

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WANXIA LIAO,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

No. C 11-02494 JSW

ORDER:

**(1) SETTING BRIEFING
SCHEDULE ON PENDING
MOTIONS (DOCKET NOS. 67, 68
AND 72);**

**(2) GRANTING IN PART UNITED
STATES OF AMERICA'S
MOTION FOR
ADMINISTRATIVE RELIEF FOR
EXCESS PAGE LIMITS; AND**

**(3) DIRECTING UNITED STATES
TO NOTICE MOTION TO
DISMISS FOR HEARING ON
APRIL 6, 2012**

On November 19, 2011, Plaintiff filed the First Amended Complaint in this action. (Docket No. 35.) Defendants CNN and Wall Street Journal filed motions to dismiss and the United States filed a motion to have Plaintiff declared a vexatious litigant and for prefiling screening. (Docket Nos. 40, 41 and 44.) After the case was reassigned to Judge Wilken, CNN and Wall Street Journal refiled their motions to dismiss. (Docket Nos. 47 and 49.)

On December 23, 2011, Judge Wilken issued an Order denying as moot the motions to dismiss filed at 40 and 41, and set a briefing schedule on Docket Nos. 44, 47, and 49. On January 6, 2012, Judge Wilken issued a further order, granting Plaintiff's request for an

1 extension of time to respond to the motions. By that Order, Plaintiff's responses to all three
2 pending motions were due on January 27, 2012.

3 On January 9, 2012, after Judge Wilken recused herself from this case, the case was
4 reassigned to the undersigned Judge. Plaintiff did not file opposition briefs within the time
5 period required by Judge Wilken's Order.

6 However, on February 3, 2012, rather than merely re-noticing the pending motions to
7 dismiss, CNN and the Wall Street Journal refiled the motions in their entirety and noticed them
8 for hearing on March 9, 2012, a date that was unavailable to the Court. (*See* Docket Nos. 67,
9 68.) The United States also refiled its motion to have Plaintiff declared a vexatious litigant, and
10 it noticed the motion for hearing on March 16, 2012, a date that also was not available to the
11 Court. (*See* Docket No. 72.) All three of those motions are now re-noticed for hearing on April
12 6, 2012.

13 These motions have been pending since December 2011. However, because of the
14 possible confusion created by the reassignment and refile of motions, the Court issues a **final**
15 **and brief** extension of the briefing schedule. Therefore, Plaintiff shall file her opposition briefs
16 to the motions to dismiss filed by CNN and the Wall Street Journal by **February 22, 2012**. The
17 Defendants' reply briefs shall be due on February 29, 2012. Plaintiff also shall file her
18 opposition to the United States' motion to declare her a vexatious litigant by **February 22,**
19 **2012**. The United States' reply brief shall be due on February 29, 2012.

20 The United States has filed an administrative motion for leave to file a motion to dismiss
21 exceeding the page limits permitted by the Northern District Local Rules, and it seeks to file a
22 thirty page motion to dismiss. (Docket No. 73.) Under this Court's standing orders, with the
23 exception of motions for summary judgment, motions may not exceed 15 pages. **All parties**
24 **are HEREBY ADVISED to familiarize themselves with the Court's standing orders.** The
25 United States also filed its motion for administrative relief the day before it states it intends to
26 file their motion. Under the Local Rules, Plaintiff has four (4) days to respond to the motion for
27 administrative relief. *See* N.D. Civ. L.R. 7-11(b). In the future, all parties are advised to seek
28 such relief well in advance of any deadline or intended filing date. However, because the Court

1 shall provide Plaintiff with an additional five pages for her opposition brief, the Court shall rule
2 on the motion for administrative relief at this time. The Court GRANTS IN PART the United
3 States' request for additional pages. It may file a motion to dismiss that is no longer than
4 twenty pages. Plaintiff's opposition brief may not exceed twenty pages. The United States'
5 reply shall not exceed fifteen pages.

6 Finally, the Court ORDERS the United States to notice its motion to dismiss for hearing
7 on April 6, 2012. **As to that motion, the briefing schedule will be governed by the Northern**
8 **District Civil Local Rule 7-3.** If the Court finds that any of the motions are suitable for
9 disposition without oral argument, it shall notify the parties in advance of the hearing date.

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11 **IT IS SO ORDERED.**

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13 Dated: February 8, 2012

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16 JEFFREY S. WHITE
17 UNITED STATES DISTRICT JUDGE
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